

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 71-A0-3
G. O. NO. 206, 1971

ZONING ORDINANCE 71-A0-3
THE FLOOD CONTROL DISTRICTS ZONING ORDINANCE
OF
MARION COUNTY, INDIANA

DEPARTMENT OF METROPOLITAN DEVELOPMENT
1971

Officially adopted
October 4, 1971

CITY-COUNTY GENERAL ORDINANCE NO. 206, 1971

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 71-AO-3

AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County, Indiana, and fixing a time when the same shall take effect.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA, that Marion County Council Ordinance No. 8-1957 adopted by the Marion County Council on March 28, 1957, and subsequently amended, pursuant to Chapter 283 of the Indiana Acts of 1955, and all zoning ordinances and zoning district maps adopted as amendments thereto, including the Comprehensive Zoning Maps of Marion County, Indiana, adopted by Zoning Ordinance 70-AO-4, as amended, be amended by the addition of the following provisions:

ESTABLISHMENT OF FLOOD CONTROL ZONING DISTRICTS

SECTION 1.00 ESTABLISHMENT OF DISTRICTS

The following secondary FLOOD CONTROL DISTRICTS for Marion County, Indiana, are hereby established, and land within said County is hereby classified, divided and zoned into said districts as designated on the FLOOD CONTROL DISTRICTS ZONING MAPS, which maps are attached hereto, incorporated herein by reference and made a part of this ordinance:

FLOOD CONTROL ZONING DISTRICTS

ZONING DISTRICT SYMBOLS

FLOODWAY (secondary)
FLOOD PLAIN (secondary)

FW
FP

SECTION 1.01 DISTRICT BOUNDARIES, CHANGES THERETO

The boundary of any District established by this ordinance may be relocated by zoning amendment of the Flood Control Districts Zoning Maps or by the Metropolitan Development Commission of Marion County, Indiana, upon receipt of a written statement of approval of such boundary relocation and description thereof from (1) the Indianapolis Department of Public Works, Division of Flood

Control (hereinafter called the "DPW"), or (2) the Indiana Natural Resources Commission (hereinafter called "INRC").

An owner of land or applicant for an Improvement Location Permit for a building or structure in the FW or FP Districts may submit a request to the DPW or INRC for approval of relocation of District boundary upon an engineering determination that the land involved is not subject to flooding and should be excluded from such District due to: original mapping error; availability of more recent or refined hydrological data; or construction of flood control measures.

The applicant for such relocation of District boundary shall file with the Metropolitan Development Commission said written approval of DPW or INRC, as a prerequisite to boundary relocation by the Metropolitan Development Commission.

FLOOD CONTROL DISTRICT REGULATIONS

SECTION 2.00 GENERAL REGULATIONS APPLICABLE TO ALL DISTRICTS

The following regulations shall apply to all land within any FLOOD CONTROL DISTRICT:

A. After the effective date of this ordinance:

1. With the exception of legally established non-conforming uses, no land, water course, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
2. No land, water course, building, structure, premises, use or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

Provided, however, legally established non-conforming uses, including levees, may be reconstructed if damaged or partially destroyed by fire or other disaster when such damage or destruction does not exceed one-half (1/2) the current appraised value of the structure or facilities affected.

SECTION 2.01 FW FLOODWAY DISTRICT REGULATIONS (SECONDARY)

The following regulations, in addition to those in section 2.00, shall apply to all land within the FLOODWAY DISTRICT. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to said land, and in case of conflict, the more restrictive regulations shall apply.

A. PERMITTED USES The following uses shall be permitted.

1. Any OPEN LAND USE shall be permitted provided no permanent structures are erected other than pavements, curbs or fences so constructed as not to impede the flow of floodwater and debris carried by such water.
2. Necessary PUBLIC and SEMIPUBLIC FACILITIES OR UTILITY STRUCTURES if constructed in a manner not to impede the flow of floodwater and debris carried by such water.

B. PERFORMANCE STANDARDS

1. No use shall involve the storage, accumulation, spreading, dismantling or processing of garbage, trash, junk, or any other similar material.
2. No use shall alter the land in any manner which will:
 - a. encroach upon the carrying capacity of any watercourse,
 - b. change topography,
 - c. drain or reclaim land,
 - d. alter, widen, deepen or fill watercourses, drainage channels or ways, or
 - e. result in a pond, lake, levee, dam or any other change of watercourse, drainage channel or way

unless such alteration is approved in writing by the DPW and/or INRC.

C. DEVELOPMENT PROCEDURE

1. All plans, drawings, specifications and any other information pertinent to the development, location and construction of a building or structure shall be submitted to the DPW for consideration.
2. No Improvement Location Permit shall be issued for any building or structure in a Floodway District until the applicant therefor submits satisfactory evidence that the DPW has given written approval for said construction.

SECTION 2.02 FP FLOOD PLAIN DISTRICT REGULATIONS (SECONDARY)

The following regulations, in addition to those in section 2.00, shall apply to all land within the FLOOD PLAIN DISTRICT. These regulations shall be in addition to all other primary and secondary zoning district regulations applicable to said land, and in case of conflict, the more restrictive regulations shall apply.

- A. PERMITTED USES All uses permitted in the applicable primary zoning district shall be permitted in the Flood Plain District. Provided, however, no building or structure shall be erected, reconstructed, expanded, structurally altered, converted, used or relocated unless:
1. flood protective measures, determined to be adequate therefor and approved in writing by the DPW, are provided, or
 2. the land grade upon which such building or structure is to be located, all land within ten (10) feet thereof, and adequate all-weather access to a public street, all are above the applicable flood elevation; and the first floor of such building or structure shall be at least three (3) feet above the applicable flood elevation.
- B. BASEMENT FLOOR ELEVATION No basement floor construction at an elevation lower than the applicable flood elevation as indicated on the Flood Control Districts Zoning Maps shall be undertaken unless:
1. flood protective measures, determined to be adequate therefor and approved in writing by the DPW, are provided, or
 2. such basement has been designed to withstand pressure from water at the flood elevation, and plans for such construction, certified by a registered professional engineer to be so designed and approved in writing by the DPW, have been filed with the Department of Metropolitan Development of Marion County, Indiana.
- C. DRAINING OF LAND; ALTERING OF WATERCOURSES; CONSTRUCTION OF PONDS, LAKES, LEVEES, DAMS No draining or reclamation of land; altering, widening, deepening or filling of watercourses or drainage channels or ways; construction of ponds, lakes, levees or dams; or any other changes or improvement of watercourses or drainage channels or ways shall be undertaken in the Flood Plain District unless approved by the DPW or INRC, or other local, state or federal agency having jurisdiction.

BE IT FURTHER ORDAINED that an emergency exists for the passage of this ordinance and that the same shall be in full force and effect from and after this date.

Dated October 4, 1971

CITY-COUNTY COUNCIL OF INDIANAPOLIS
AND OF MARION, COUNTY, INDIANA

Attest: Marjorie H. O'Laughlin

Thomas C. Hasbrook
President (or Presiding Officer)

legal draft -- 8/19/71

As amended by the City-County Council Committee on Metropolitan Development
-- 9/22/71